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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b>		Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.	
		Application Number	10/564,598 ✓
		Filing Date	January 13, 2006
		First Named Inventor	David Laver HUMPRHIS
		Art Unit	Not Assigned
		Examiner Name	Not Assigned
Total Number of Pages in This Submission	244	Attorney Docket Number	P2587US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Gardner Carlton & Douglas		
Signature			
Printed name	Joseph J. Buczynski		
Date	May 18, 2006	Reg. No.	35,084

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Lois Ann Borlase	Date	May 18, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**PATENT**  
Attorney Docket No. P2587US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

David Laver HUMPHRIS

Application No. 10/564,598

Group Art Unit: Not Assigned

Filed: January 13, 2006

Examiner: Not Assigned

For: Probe for an Atomic Force Microscope

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO/SB/08 ("Form PTO/SB/08") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO/SB/08, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form PTO/SB/08 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is material, relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first

In re Application of David Laver HUMPHRIS  
Application No. 10/564,598  
Information Disclosure Statement

Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
  - the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
  - or*
    - the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

**Copies of the References**

- Copies of the references listed on the enclosed Form PTO/SB/08 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- The filing date of the subject application is after June 30, 2003. Therefore, copies of U.S. patents and patent applications that are listed on the accompanying Form PTO/SB/08 are not enclosed herewith in accordance with the U.S. Patent and Trademark Office's waiver of the requirement under 37 CFR 1.98 (see Official Gazette Notice of August 5, 2003). Copies of other references identified on the accompanying Form PTO/SB/08 are enclosed herewith.
- A copy of the foreign search report is enclosed herewith.
- The references listed on the enclosed Form PTO/SB/08 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted

In re Application of David Laver HUMPHRIS  
Application No. 10/564,598  
Information Disclosure Statement

herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status ( <i>check one</i> )		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

**Statement under 37 CFR 1.97(e)**

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- No fee is owed by the applicant(s).**
- The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

In re Application of David Laver HUMPHRIS  
Application No. 10/564,598  
Information Disclosure Statement

**Method of Payment of Fees**

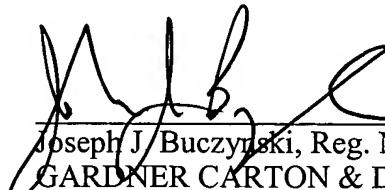
- Attached is a check in the amount of \$ .  
 Charge Deposit Account No. 07-0181 in the amount of \$ . (A duplicate copy of this communication is enclosed for that purpose.)

**Authorization to Charge Additional Fees**

- If any additional fees are owed in connection with this communication, please charge Deposit Account No. 07-0181. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

- Credit Account No. 07-0181.  
 Refund



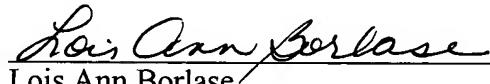
Joseph J. Buczynski, Reg. No. 35,084  
GARDNER CARTON & DOUGLAS LLP  
191 N. Wacker Drive, Suite 3700  
Chicago, Illinois 60606-1698  
(312) 569-1000 (telephone)  
(312) 569-3000 (facsimile)  
Customer No.: 08968

Date: May 18, 2006

**CERTIFICATE OF MAILING**

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: May 18, 2006



Lois Ann Borlase

DC01/ 505998.1



PTO/SB/08A (07-05)

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**Substitute for form 1449/PTO**

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

Complete if Known	
Application Number	10/564,598
Filing Date	January 13, 2006
First Named Inventor	Humphris, David Laver
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	P2587US

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**U. S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		JP 09119939 A	05-06-1997	Olympus Optical Co. LTD		
		DE 44 35 635 A1	06-05-1996	Max Planck Gesellschaft		
		EP 0557743 A	01-09-1993	Int'l Business Machines		
		WO 2005/008679 A1	01-27-2005	Andrew HUMPHRIS		
		WO 99/06793	02-11-1999	Stuart LINDSAY		
		WO02/063368 A1	08-15-2002	Mervyn MILES		

Examiner Signature		Date Considered	
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup>Applicant's unique citation designation number (optional). <sup>3</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>7</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**Substitute for form 1449/PTO**

**Complete if Known**

Application Number	10/564,598
Filing Date	January 13, 2006
First Named Inventor	Humphris, David Laver
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	P2587US

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of 3

**Attorney Docket Number**

P2587US

**U. S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

**Examiner Signature** \_\_\_\_\_ **Date Considered** \_\_\_\_\_

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Substitute for form 1449/PTO				<b>Complete if Known</b>	
				<b>Application Number</b>	10/564,598
				<b>Filing Date</b>	January 13, 2006
				<b>First Named Inventor</b>	HUMPHRIS, David Laver
				<b>Art Unit</b>	Unassigned
				<b>Examiner Name</b>	Unassigned
Sheet	3	of	3	<b>Attorney Docket Number</b>	P2587US

<b>NON PATENT LITERATURE DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>
		Nobuhiro KATO, et al, "Reduction in Feedback Bandwidth of the Force Controlled Atomic Force Microscope Using a Polyimide Cantilever," Jpn. J. App.Phys., Vol. 40 (2001) pp. 6599			
		S.P. JARVIS, et al., "A New Force Controlled Atomic Force Microscope for Use in Ultrahigh Vacuum," Rev. Sci. Instrum. 67(6), June 1996, American Institute of Physics			
		Xiaobo YIN, et al, "Near-field Two-Photon Nanolithography Using an Apertureless Optical Probe," App. Phy. Letters, Vol. 81, No. 19, November 2002			

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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**Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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